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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,820	11/24/2003	· Christoph Nagel	101769-246/tesa AG 1627-W	5356
27386	7590 03/16/2006		EXAMINER	
NORRIS, MCLAUGHLIN & MARCUS, P.A.			ROBERTSON, JEFFREY	
875 THIRD A	VE	•		
18TH FLOOR	•		ART UNIT	PAPER NUMBER
NEW YORK,	NY 10022		1712	

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

				- 41
		Application No.	Applicant(s)	
		10/720,820	NAGEL ET AL.	
	Office Action Summary	Examiner	Art Unit	
		Jeffrey B. Robertson	1712	
Period fo	The MAILING DATE of this communication app or Reply	pears on the cover sheet with the c	orrespondence address	
WHIC - Exter after - If NO - Failu Any r	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DATE of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. period for reply is specified above, the maximum statutory period or to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).	
Status				
1)⊠	Responsive to communication(s) filed on 08 Fe	ebruary 2006.		
2a) <u></u> ☐	This action is FINAL . 2b)⊠ This	action is non-final.		
3)	Since this application is in condition for allowar	•		
	closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.	
Dispositi	on of Claims			
5)□ 6)⊠ 7)□	Claim(s) <u>1-5</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed. Claim(s) <u>1-5</u> is/are rejected. Claim(s) is/are objected to.			
	Claim(s) are subject to restriction and/o	r election requirement.		
	on Papers			
10)	The specification is objected to by the Examine The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Ex	epted or b) objected to by the I drawing(s) be held in abeyance. Sec ion is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).	
Priority u	ınder 35 U.S.C. § 119			
a)[Acknowledgment is made of a claim for foreign All b) Some * c) None of: 1. Certified copies of the priority document: 2. Certified copies of the priority document: 3. Copies of the certified copies of the priority application from the International Bureau see the attached detailed Office action for a list	s have been received. s have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	on No ed in this National Stage	
Attachment	t(s) e of References Cited (PTO-892)	A) Theories Summer	(PTO 412)	
2) 🔲 Notice 3) 🔲 Inform	e of References Cited (PTO-692) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:		

Application/Control Number: 10/720,820

Art Unit: 1712

DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being obvious over EP 1,342,684 A, (as exemplified by Nootbaar US 2003/0190445A1, an English equivalent of the EP document).

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

For claims 1-5 Nootbaar teaches adhesives that contain 25-45 % by weight polymer, 55-75% by weight plasticizer, and 0.3 to 1.2% aluminum chelate crosslinker. Paragraphs [0041]-[0051]. Here, Nootbaar teaches that the polymer is made from 40-90% acrylic acid, 60-10% butyl acrylate corresponding to applicant's (a2) with 0% vinyl monomer. Nootbaar teaches that the polymer is free-radically polymerized in a polar solvent and that there is partial Nootbaar of the polymer. Nootbaar teaches that the plasticizer is an ethoxylated alkylamines preferably C16-C18. Although Nootbaar does not teach C20 plasticizers, it would have been obvious to one of ordinary skill in the art at the time of the invention to use C20 ethoxylated alkylamines. These compounds are of sufficiently close structural similarity that there would be a presumed expectation that

Art Unit: 1712

such compounds possess similar properties. In re Wilder, 563 F.2d 457, 195 USPQ 426 (CCPA 1977).

For claim 5, Nootbaar teaches the presence of the vinyl monomer ethylhexylacrylate in an amount of 30-5%, which includes the 7% requirement of the claim.

Response to Arguments

3. Upon review of the rejection set forth in the previous office action, the examiner notes that an alternative form of rejection based on the '684 document as set forth above should have been made in the previous office action. As indicated above, this rejection might be overcome through the submission of an English Translation of the foreign priority document. The examiner apologizes for any inconvenience. The grounds of rejection set forth in the previous office action have been overcome in light of applicant's statements and comments.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey B. Robertson whose telephone number is (571) 272-1092. The examiner can normally be reached on Mon-Fri 7:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/720,820

Art Unit: 1712

Page 4

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey B. Robertson Primary Examiner Art Unit 1712

JBR